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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/604,601 | GIZARA, ANDREW ROMAN | |
| | Examiner | Art Unit | |
| | Pedro J. Cuevas | 2834 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on April 20, 2005.
2. ☒ The allowed claim(s) is/are 19-22,25,26,31,32 and 34.
3. ☒ The drawings filed on 04 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 2 and 3, filed on April 20, 2005, with respect to claims 19-22, 25-26, and 31-34 have been fully considered and are persuasive. The rejection of claims 19-22, 25-26, and 31-34 has been withdrawn.

Allowable Subject Matter

2. Claims 19-22, 25-26, 31-32, and 34 are allowed.

Reasons For Allowance

3. The following is a statement of reasons for the indication of allowable subject matter.

The prior art of record, taken alone or in combination, does not teaches the construction of a power generation apparatus as described on:

independent claim 19, wherein the voltage output of said generator being sensed to control a gate which inhibits flow to reduce the rotational velocity of said impeller, thus reducing the forces of gyroscopic precession, so to quicken the response to changes in the direction of the streamlines of the free flowing motive fluid;

independent claim 20, wherein the voltage output of said generator being sensed to control adjustable interior flow vanes and adjustable runner blades of the impeller by employing a voltage feedback closed loop so as to optimize efficiency over a range of loads and flow velocities;

independent claim 21, wherein the voltage output of said generator being electronically voltage and current regulated for charging any of the presently available varieties of chemistry of battery;

independent claim 22, wherein the voltage output of said generator being electronically voltage and current regulated for driving a DC motor mechanically coupled to a synchronous AC generator with output armature voltage applied directly to the utility power grid;

independent claim 25, wherein further energy may be extracted by implementing an auxiliary DC generator or AC induction generator with external voltage rectifiers indirectly coupled through a system of gears to an axis of the mounting system.

4. Dependent claims 26, 31-32, and 34 are considered allowable by their respective dependence on allowed independent claims 19, 21, 25, and 26.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (571) 272-2021. The examiner can normally be reached on M-F from 8:30 - 6:00.

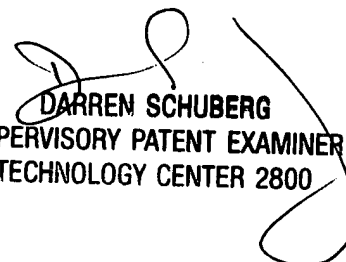
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2834

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pedro J. Cuevas
June 3, 2005



DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800